

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-87-2FL

UNITED STATES OF AMERICA,

v.

ANTONIO KEVIN MCKOY

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ORDER

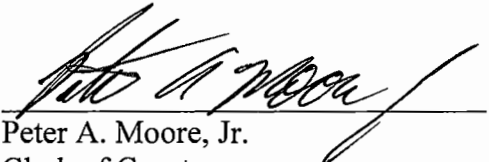
On March 25, 2019, the court received a motion to obtain free copies of documents filed by Antonio Kevin McKoy ("movant") [DE-125]. The motion was referred to the clerk for ruling at the direction of the presiding judge. Movant states he is indigent, and seeks a free copy of the docket sheet in this action to aid in filing papers with the court.

The docket sheet in this action shows that on March 11, 2015, movant was sentenced to a term of imprisonment by the court. See Judgment [DE-85]. He did not file an appeal from the judgment of conviction and sentence. Movant, represented by counsel, filed a motion pursuant to 28 U.S.C. § 2255 on June 27, 2016 [DE-105], which was denied by the court on July 12, 2017 [DE-120]. There are no other pending motions for relief from the judgment.

Federal inmates are not entitled to documents and materials at government expense for collateral attacks on their convictions, absent some showing of a particularized need. United States v. MacCollum, 426 U.S. 317, 326-27 (1976); United States v. Gallo, 849 F.2d 607 (Table), 1988 WL 60934, at *1 (4th Cir. May 31, 1988) ("Copies of transcripts and court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need."). "An indigent is not entitled to free copies 'merely to comb the record in the hope of discovering some flaw.'" Gallo, 1988 WL 60934 at *1 (quoting United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963)).

As the docket sheet indicates, there are no pending appeals or motions for post-conviction relief. Accordingly, there are no current proceedings before the court that require the requested documents nor has movant identified the reasons these documents should be furnished to him. Consequently, his motion to obtain free copies [DE-125] is DENIED.

SO ORDERED. This the 23 day of April, 2019.


Peter A. Moore, Jr.
Clerk of Court